THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.9957 of 2006

Dated: 13-06-2006

B. Madhava Reddy and others.

..... PETITIONERS

AND

The Mandal Revenue Officer, Nellore District.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.9957 of 2006

ORDER:

The petitioners are allegedly in possession of the land admeasuring Acs.3.50 cents in survey No.848 of Vangallu village, Sangam Mandal in Nellore District. They allegedly raised sunflower crop which is ripe for harvest. It is further alleged that one Alla Chennakesava Rao unsuccessfully tried to occupy the land and also approached the respondent who is trying to dispossess the petitioners without due process of law. Therefore, the petitioners seek a Mandamus declaring the action of the respondent in trying to summarily evict them as illegal and arbitrary.

The matter was adjourned on 24-05-2006 and 05-06-2006 to enable the learned Assistant Government Pleader for Revenue (General) to get instructions in

the matter.

Today, after getting instructions in the matter, the learned Assistant Government Pleader for Revenue (General) submits that the land in survey No.848 admeasuring Acs.3.50 cents is reserved for Kanigiri reservoir, that the petitioners are trying to encroach upon the land and that as it is the duty of the respondent to protect the government land, necessary steps are being taken to protect the land. He, however, denied the threat of dispossession.

Therefore, the writ petition is disposed of observing that if the petitioners are in fact in possession of the property, unless and until due process of law is followed, they cannot be dispossessed. If the petitioners or Alla Chennakesava Rao are not in possession of the land, it shall be open to the respondent to take all necessary steps including police help to protect the kanigiri reservoir. These observations would safeguard the interests of all parties. No costs.

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(**V.V.S.RAO, J**)

13th June, 2006

ghn